

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

L.J., *individually and on behalf of D.S., a
child with a disability,*

Plaintiffs,

-v.-

NEW YORK CITY DEPARTMENT OF
EDUCATION,

Defendant.

20 Civ. 10672 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Currently pending before the Court is Plaintiff's motion for summary judgment. (Dkt. #50). In connection with that motion, Plaintiff has requested leave to supplement the record to include a determination letter from the Independent Auditor in the related case of *L.V. v. New York City Department of Education*, No. 03 Civ. 9917 (LAP), a request to which Defendant does not object. (Dkt. #77). Plaintiff's motion for leave to supplement the record is granted.

Separately, the Court observes that the legal issues raised in Plaintiff's motion are substantively identical to the issues presented in several prior cases brought by the Cuddy Law Firm ("CLF") before this Court, including two that are presently on appeal to the United States Court of Appeals for the Second Circuit: *K.E. v. New York City Department of Education*, No. 21 Civ. 2815 (KPF), and *D.P. v. New York City Department of Education*, No. 21 Civ. 27 (KPF). The *D.P.* case, in particular, has been consolidated with several cases — and will be heard in tandem with still other cases — involving CLF fee petitions under the

Individuals with Disabilities Education Act (“IDEA”). The Court understands from the appellate docket that briefing in the consolidated appeal concluded in December 2022. The *K.E.* appeal has not yet been briefed.

In the interests of judicial economy, and in order to promote efficient use of the parties’ resources, the Court has determined to wait for guidance from the Second Circuit on these issues before addressing the pending motion in this case. Accordingly, this case is STAYED pending further order of the Court. The parties are directed to submit a joint letter within two weeks of the resolution of any Second Circuit appeal involving a CLF fee petition in an IDEA case.

SO ORDERED.

Dated: January 18, 2023
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge